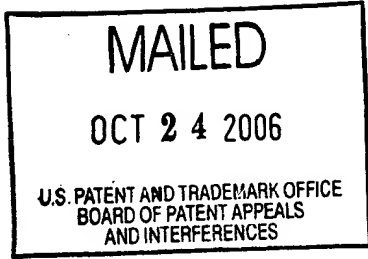


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte TERRY ALLEN-ROUMAN, JACK MICHAEL ARRINGTON,  
KEVAL EDWIN DESAI, ROBERT EDWIN DRAVENSTOTT,  
WENDY D. LARSON, SCOTT J. LEVOKOVE,  
JOHN JOSEPH MASCAVAGE III, PETER ERIC PHILIPP  
and MARGARET MORGAN WEICHERT

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Application 09/516,209

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on September 29, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement (IDS) was filed June 18, 2002. It is not apparent from the record that the examiner considered (pages 2 and 3) the statement submitted or notified applicants of why their submission did not meet the

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criteria set forth in 37 CFR §§ 1.97 and 1.98.

Further, the Appeal Brief filed on April 3, 2006 reveals that the following required sections are missing:

(1) "EVIDENCE APPENDIX," as set forth in 37 CFR § 41.37(c)(1)(ix);  
and

(2) "RELATED PROCEEDINGS APPENDIX" as set forth in 37  
CFR § 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR §  
41.37(c)(1)(ix) and 37 CFR § 41.37(c)(1)(x) is required.

Accordingly, it is

ORDERED that the application is being electronically returned to the  
Examiner:

- 1) for consideration of the Information Disclosure Statement;
- 2) to have the Appellants submit the missing appendices not present in the  
Appeal Brief as noted above as required by 37 CFR § 41.37(c)(1)(ix) and 37 CFR  
§ 41.37(c)(1)(x);

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3) and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: G.P. Edgell per Dale Shaw  
DALE M. SHAW  
Deputy Chief Appeals Administrator  
(571) 272-9797

GJH

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